

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,	:	Civil Action No. 09-4139 (SRC)
Plaintiff,	:	OPINION & ORDER
v.	:	
UNITED STATES OF AMERICA v.	:	
\$164,750 IN UNITED STATES	:	
CURRENCY TRACEABLE TO THE	:	
REAL PROPERTY KNOWN AS 1808	:	
BROADWAY BOULEVARD,	:	
MANCHESTER, NEW JERSEY 08759	:	
Defendant, <i>in rem.</i>	:	
	:	

CHESLER, District Judge

This matter comes before the Court upon the motion for default judgment by the United States of America (the “Government”). Briefly, this case is a forfeiture action *in rem* against the above-captioned property. Frank Badics (“Badics”) had filed a verified claim to the property, which this Court struck on June 18, 2010; Badics then moved to amend his claim. While Badics’ motion was pending, the Government filed the instant motion for default judgment, premised on the argument that there existed no claim against the property at issue. Badics has now been granted leave to amend his claim. In view of this, this Court cannot conclude that there exists no claim against the property at issue, and the motion for default judgment must be denied without prejudice.

For these reasons,

IT IS on this 22nd day of March, 2011,

ORDERED that the Government’s motion for default judgment as to the defendant

property (Docket Entry No. 26) is **DENIED** without prejudice.

s/ Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge